

ATTACHMENT B
CLAIM CHART CORRELATING PROPOSED COUNTS TO
CLAIMS OF THE '605 PATENT AND CLAIMS OF THE '727 APPLICATION

Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727
<p><u>Count 1</u> A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising:</p>	<p>1. A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising:</p>	<p>44. A prosthesis for the replacement of at least two facets located on a mammalian vertebra, comprising:</p>
<p>at least one bone contacting surface that is adapted to be secured to a surface of the vertebra;</p>	<p>at least one bone contacting surface that is adapted to be secured to a surface of the vertebra;</p>	<p>at least one bone contacting surface that is adapted to be secured to a surface of the vertebra;</p>
<p>at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface;</p>	<p>at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface;</p>	<p>at least two bearing surfaces for articulating with other facets, said at least two bearing surfaces being connected to said at least one bone contacting surface;</p>
<p>and wherein no portion of said prosthesis is supported by the lamina of the vertebra.</p>	<p>and wherein no portion of said prosthesis is supported by the lamina of the vertebra.</p>	<p>and wherein no portion of said prosthesis is supported by the lamina of the vertebra.</p>
<p><u>Count 2</u> The device of count 1 further comprising fixation elements for securing said at least one bone contacting surface to the vertebra.</p>	<p>2. The device of claim 1 further comprising fixation elements for securing said at least one bone contacting surface to the vertebra.</p>	<p>45. The device of claim 44 further comprising fixation elements for securing said at least one bone contacting surface to the vertebra.</p>
<p><u>Count 3</u> The device of count 2 wherein said fixation elements are screws.</p>	<p>3. The device of claim 2 wherein said fixation elements are screws.</p>	<p>46. The device of claim 45 wherein said fixation elements are screws.</p>
<p><u>Count 4</u> The device of count 1 wherein said at least bone contacting surface is porous coated to allow for bone ingrowth.</p>	<p>4. The device of claim 1 wherein said at least bone contacting surface is porous coated to allow for bone ingrowth.</p>	<p>47. The device of claim 44 wherein said at least bone contacting surface is porous coated to allow for bone ingrowth.</p>
<p><u>Count 5</u> The device of count 4 wherein said porous coating includes at least one from a group comprising osteoinductive and osteoconductive substances.</p>	<p>5. The device of claim 4 wherein said porous coating includes at least one from a group comprising osteoinductive and osteoconductive substances.</p>	<p>48. The device of claim 47 wherein said porous coating includes at least one from a group comprising osteoinductive and osteoconductive substances.</p>
<p><u>Count 6</u> The device of count 1 wherein said bearing surfaces are formed from a material selected from the group consisting of a ceramic, a metal and a polymer.</p>	<p>6. The device of claim 1 wherein said bearing surfaces are formed from a material selected from the group consisting of a ceramic, a metal and a polymer.</p>	<p>49. The device of claim 44 wherein said bearing surfaces are formed from a material selected from the group consisting of a ceramic, a metal and a polymer.</p>

ATTACHMENT B (CONTINUED)

Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727
<u>Count 7</u> The device of count 1 wherein said prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets.	7. The device of claim 1 wherein said prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets.	50. The device of claim 44 wherein said prosthesis is configured so that said at least two bearing surfaces are adapted to replace a pair of inferior facets.
<u>Count 8</u> A method for replacing at least two facets on a mammalian vertebra, comprising the steps of:	11. A method for replacing at least two facets on a mammalian vertebra, comprising the steps of:	54. A method for replacing at least two facets on a mammalian vertebra, comprising the steps of:
resecting a pair of facets on the vertebra; and	resecting a pair of facets on the vertebra; and	resecting a pair of facets on the vertebra; and
attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets, wherein the prosthesis is configured so that no portion of said prosthesis is supported by the lamina of the vertebra.	attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets, wherein the prosthesis is configured so that no portion of said prosthesis is supported by the lamina of the vertebra.	attaching a prosthesis to the vertebra so that a pair of bearing surfaces on the prosthesis are positioned in place of the resected facets, wherein the prosthesis is configured so that no portion of said prosthesis is supported by the lamina of the vertebra
<u>Count 9</u> A method for replacing facets on two adjacent vertebra, comprising the steps of:	12. A method for replacing facets on two adjacent vertebra, comprising the steps of:	55. A method for replacing facets on two adjacent vertebra, comprising the steps of:
resecting at least a bony portion of the inferior facets of a superior vertebra;	resecting at least a bony portion of the inferior facets of a superior vertebra;	resecting at least a bony portion of the inferior facets of a superior vertebra;
attaching a first prosthesis that replaces said inferior facets of said superior vertebra;	attaching a first prosthesis that replaces said inferior facets of said superior vertebra;	attaching a first prosthesis that replaces said inferior facets of said superior vertebra;
resecting at least a bony portion of the superior facets of an inferior vertebra; and	resecting at least a bony portion of the superior facets of an inferior vertebra; and	resecting at least a bony portion of the superior facets of an inferior vertebra; and
attaching a second prosthesis that replaces said superior facets of said inferior vertebra;	attaching a second prosthesis that replaces said superior facets of said inferior vertebra;	attaching a second prosthesis that replaces said superior facets of said inferior vertebra;

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Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727
<p>wherein no portion of said first prosthesis is supported by the lamina of said superior vertebra, and further wherein no portion of said second prosthesis is supported by the lamina of said inferior vertebra.</p>	<p>wherein no portion of said first prosthesis is supported by the lamina of said superior vertebra, and further wherein no portion of said second prosthesis is supported by the lamina of said inferior vertebra.</p>	<p>wherein no portion of said first prosthesis is supported by the lamina of said superior vertebra, and further wherein no portion of said second prosthesis is supported by the lamina of said inferior vertebra.</p>
<p>Count 10 A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:</p>	<p>15. A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:</p>	<p>58. A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:</p>
<p>a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;</p>	<p>a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;</p>	<p>a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;</p>
<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>	<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>	<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>
<p>a bridge connecting said second end of said first vertical member to said second end of said second vertical member.</p>	<p>a bridge connecting said second end of said first vertical member to said second end of said second vertical member.</p>	<p>a bridge connecting said second end of said first vertical member to said second end of said second vertical member.</p>
<p>Count 11 The prosthesis of count 10 wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, the attached to, the other pedicle of the vertebra.</p>	<p>16. The prosthesis of claim 15 wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, the attached to, the other pedicle of the vertebra.</p>	<p>59. The prosthesis of claim 58 wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, the attached to, the other pedicle of the vertebra.</p>

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(CONTINUED)**

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Count 12 A spinal implant kit for the replacement of facets, said implant kit comprising:	17. A spinal implant kit for the replacement of facets, said implant kit comprising:	60. A spinal implant kit for the replacement of facets, said implant kit comprising:
a superior facet prosthesis adapted to replace two superior facets;	a superior facet prosthesis adapted to replace two superior facets;	a superior facet prosthesis adapted to replace two superior facets;
an inferior facet prosthesis adapted to replace two inferior facets;	an inferior facet prosthesis adapted to replace two inferior facets;	an inferior facet prosthesis adapted to replace two inferior facets;
wherein no portion of said superior facet prosthesis is supported by a lamina of a vertebra; and	wherein no portion of said superior facet prosthesis is supported by a lamina of a vertebra; and	wherein no portion of said superior facet prosthesis is supported by a lamina of a vertebra; and
wherein no portion of said inferior facet prosthesis is supported by a lamina of a vertebra.	wherein no portion of said inferior facet prosthesis is supported by a lamina of a vertebra.	wherein no portion of said inferior facet prosthesis is supported by a lamina of a vertebra.

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(CONTINUED)**

Applicant's Proposed Interference Counts	Interfering Claims of U.S. Patent 6,565,605	Allowed Claims of Patent Application Serial No. 10/615,727
<p>Count 13 A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:</p>	<p>18. A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:</p>	<p>61. A prosthesis for the replacement of a pair of spinal facets, said prosthesis comprising:</p>
<p>a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;</p>	<p>a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;</p>	<p>a first vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, a first pedicle of a vertebra, and said second end comprising a bearing surface for engagement with a facet of an adjacent vertebra;</p>
<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>	<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>	<p>a second vertical member having a first end and a second end, said first end being adapted for disposition against, and attachment to, the other pedicle of the vertebra, said second end comprising a bearing surface with a facet of an adjacent vertebra; and</p>
<p>a bridge connecting said first vertical member to said second vertical member;</p>	<p>a bridge connecting said first vertical member to said second vertical member;</p>	<p>a bridge connecting said first vertical member to said second vertical member;</p>
<p>wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, and attached to, the other pedicle of the vertebra.</p>	<p>wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, and attached to, the other pedicle of the vertebra.</p>	<p>wherein said first vertical member, said second vertical member and said bridge are formed so that said prosthesis is displaced from the lamina of the vertebra when said first end of said first vertical member is disposed against, and attached to, the first pedicle of a vertebra and said first end of said second vertical member is disposed against, and attached to, the other pedicle of the vertebra.</p>